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STEPHON JAMES WHITNEY

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10) CASE NO. 2:21-CR-002-JAD-NJK
Plaintiff,)
11)
vs.)
12)
STEPHON JAMES WHITNEY,)
13)
14 Defendant.)
_____)

15 **STIPULATION TO CONTINUE PRETRIAL MOTION DEADLINES,**
16 **CALENDAR CALL AND TRIAL DATE (First Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS
18 TRUTANICH, United States Attorney, and DANIEL COWHIG, Assistant United States
19 Attorney, counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for
20 STEPHON JAMES WHITNEY that the calendar call currently scheduled for March 15, 2021, at
21 1:30 p.m., and the trial currently scheduled for March 23, 2020, at 9:00 a.m., be vacated and
22 continued for at least 90 days to a date and time convenient to this Court.
23

24 This stipulation is entered into for the following reasons:

25 1. Counsel for the defendant needs additional time to conduct an investigation in this
26 case, once discovery has been turned over to the defense, in order to determine whether there are
27
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1 any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will
2 be resolved through negotiations. Additional time is also needed to discuss potential resolution
3 of any motions and/or resolve the case by way of plea negotiations.

4 2. Defendant STEPHON JAMES WHITNEY is in custody but has been advised and does
5 not object to the continuance.

6 3. The additional time requested herein is not sought for purposes of delay, but merely
7 to allow counsel for defendant sufficient time within which to be able to effectively complete
8 investigation of discovery materials to be provided and to discuss the case with defendant.
9 Communication is not easy as defendant is currently in quarantine awaiting transport back to the
10 Nevada Department of Corrections, so that he may be scheduled for a State Parole Hearing in
11 order to be returned to the Federal detainer.

12 4. The additional time requested by this stipulation is excludable in computing the time
13 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C.
14 §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under Title 18,
15 U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i) and §3161(h)(7)(B)(iv).

16 5. This is the first request for a continuance filed herein.

17 DATED: February 17, 2021

18 NICHOLAS TRUTANICH
19 United States Attorney

20 VEGAS GOLDEN LAW
21 Formerly Momot & Zheng

22 By /s/ Daniel Cowhig
23 DANIEL COWHIG
24 Assistant United States Attorney
25 Counsel for Plaintiff

26 By /s/ Yi Lin Zheng
27 YI LIN ZHENG, ESQ.
28 Counsel for STEPHON JAMES WHITNEY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 STEPHON JAMES WHITNEY,)
)
 Defendant.)
)

CASE NO. 2:21-CR-002-JAD-NJK

FINDINGS OF FACT

1. Counsel for the defendant needs additional time to conduct an investigation in this case, once discovery has been turned over to the defense, in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations. Additional time is also needed to discuss potential resolution of any motions and/or resolve the case by way of plea negotiations.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials to be provided and to discuss the case with defendant. Communication is not easy as defendant is currently in quarantine awaiting transport back to the Nevada Department of Corrections, so that he may be scheduled for a State Parole Hearing in

1 order to be returned to the Federal detainer.

2 For all of the above-stated reasons, the ends of justice would best be served by a
3 continuance.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendant in a speedy trial, since the failure to grant said continuance would be
7 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
8 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
9 account the exercise of due diligence.
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11 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C.
12 § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors under Title 18,
13 U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).
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15 **ORDER**

16 **IT IS HEREBY ORDERED** that each party shall have 90 days from the date of this
17 Order to file all pretrial motions. Responses to any motions shall be filed within 14 days from
18 the date of service of the motions; and any replies may be filed within 7 days of service of the
19 responses.
20

21 **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions,
22 proposed jury instructions, and a list of exhibits must be submitted to the Court by
23 _____, 2021.
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25 **IT IS FURTHER ORDERED** that the calendar call currently scheduled for March 15,
26 2021, be vacated and continued to _____, 2021, at _____ and the trial
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1 currently scheduled for March 23, 2021, be vacated and continued to

2 _____, 2021, at _____, in Courtroom _____.

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4 Dated: _____.

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7 _____
8 JENNIFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE
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